

In the United States Court of Federal Claims

NOT FOR PUBLICATION
No. 05-1220C
(Filed March 21, 2006)

*
JAMES ALFRED MILLER, JR., *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *
*

ORDER

The Court has reviewed defendant’s Motion to dismiss plaintiff’s complaint for lack of jurisdiction. Plaintiff complains of an Office of Personnel Management (“OPM”) decision requiring him to pay a specified sum to compensate for the time that he was not in federal service, or receive a reduction in benefits. Compl. 3-5.

The Civil Service Reform Act requires individuals wishing to dispute their civil service retirement benefits to seek relief from the OPM. 5 U.S.C. § 8347(b). If the individual is dissatisfied with the OPM’s decision, the individual may appeal to the Merit Systems Protection Board (“MSPB”). 5 U.S.C. § 8347(d)(1). The MSPB’s decision may then be appealed to the United States Court of Appeals for the Federal Circuit. 5 U.S.C. § 7703(b)(1); *see also Contreras v. United States*, 64 Fed. Cl. 583, 587 (2005), *aff’d* No. 05-5108, 2006 WL 380469 (Fed. Cir. Feb 08, 2006) (table) (“Where a matter falls within the competence of the Merit Systems Protection Board (“MSPB”) (a CSRA creation), this Court is without jurisdiction.”).

Because this Court lacks jurisdiction over plaintiff’s complaint, defendant’s motion to dismiss is hereby **GRANTED**, and the Clerk is directed to **CLOSE** the file. No costs shall be awarded.

IT IS SO ORDERED.

VICTOR J. WOLSKI
Judge